

IN THE SUPREME COURT OF CALIFORNIA

RICHARD A. SCHATZ,)	
)	
Plaintiff and Respondent,)	
)	S150371
v.)	
)	Ct.App. 4/1 D047347
ALLEN MATKINS LECK GAMBLE)	
& MALLORY LLP,)	
)	San Diego County
Defendant and Appellant.)	Super. Ct. No. GIN045182
_____)	

MODIFICATION OF OPINION

THE COURT:

The opinion herein, filed on January 26, 2009, and appearing at 45 Cal.4th 557, is modified as follows:

The first full paragraph on page 563 of the filed opinion is modified to read:

“In February 2000, without entering into another agreement, Dr. Schatz retained Allen Matkins to represent him in an easement dispute with a different party or parties affecting the rear access road to his Rancho Santa Fe home. Dr. Schatz paid Allen Matkins \$179,088.69 in fees and costs incurred in the matter Allen Matkins proceeded to trial . . . , and in an April 2003 letter to Dr. Schatz, it demanded [an additional] \$169,917.42 in outstanding fees and costs so ‘arbitration will not be necessary.’ ”

This modification does not affect the judgment.